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**COMMEMORATION OF THE THIRTIETH ANNIVERSARY
OF THE OPENING FOR SIGNATURE OF THE
1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
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by
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Mr President, Mr Secretary-General, Distinguished Delegates, Ladies and Gentlemen. I wish to greet my colleagues from the Law of the Sea Conference who are here. With advancing age, they have become a highly endangered species of homo sapiens. Let us extend a warm welcome to them.

Thirty years ago, the United Nations Convention on the Law of the Sea, was adopted after a decade of patient and painstaking negotiations. On the 10th of December, 1982, the Convention was opened for signature and was signed by 119 States. The Convention today has 161 Parties who are members of the United Nations. This means that there are 32 Member States which have not yet become party to the Convention. One of them is our host country, the United States of America. I apologise in advance to the distinguished representative of the United States in case she or he will be offended by what I am about to say. When my wife asked me recently when the US will accede to the Convention, I answered her by quoting Churchill, who once said that we can always count on the United States to do the right thing, after it has tried everything else. I hope we do not have to wait much longer as the Convention is clearly in the interests of the United States and of the other 31 States.

I wish to make three points.

First, I wish to observe that the Convention has become the constitution for the oceans and seas. It is both comprehensive and authoritative. It has established a stable maritime legal order. It has kept the peace at sea. In this way, it has made a significant contribution to the Rule of Law in the world. The only parts of the world's oceans in which maritime

disputes could threaten international peace are the East China Sea and the South China Sea. I would like to use this opportunity to call upon all the claimant States to act with restraint and to resolve their disputes peacefully and strictly in accordance with international law and the United Nations Convention on the Law of the Sea. Negotiations should always be our first preference. However, if negotiations do not succeed, I would urge the parties to consider referring their disputes to conciliation, mediation, arbitration or adjudication by the International Tribunal for the Law of the Sea or the International Court of Justice. As an Asian, I know that in some Asian cultures, there is a reluctance to take a friend to court. To those claimant states who feel this way, I would encourage them to focus on the joint development of the disputed areas.

Second, I wish to point out that the Convention represents a careful balance of the competing interests of all States, both developed and developing, coastal States and landlocked and geographically disadvantaged States, port States and seafaring States, States with artisanal fishermen and States with distant water fishermen, etc. The balance was arrived at through an open, transparent and inclusive process, in which all States had the opportunity to participate and to contribute to the compromises. The balance has worked well and stood the test of time. We should therefore be faithful in our interpretation and application of the Convention. We should avoid undermining the integrity of the Convention by taking actions of questionable legality in order to further our short-term national interests. In some cases, States have taken advantage of ambiguous language in the text of the Convention. In other cases, they are finding ambiguity where none exists. Let me cite some examples. Some States have drawn straight baselines when they are not entitled to do so. Some States have enacted domestic legislation to regulate certain activities in the Exclusive Economic Zone (EEZ) even though the Convention has not conferred such jurisdiction on the coastal States. Other States have acted on the mistaken assumption that the EEZ is part of the High Sea, forgetting that the Convention enjoins them to have due regard to the rights and duties of the coastal State and to comply with the laws and regulations adopted by the coastal State provided, of course, that such laws and regulations are in accordance with the Convention. Some States have acted in contravention of the regime of transit passage. Some States have made maritime claims from insular features which exceed what is justified under the Convention. This is not an exhaustive list.

Third, I wish to refer to the Secretary-General's initiative, The Oceans Compact, which he unveiled at the Yeosu International Conference, on the 12th of August 2012. The Compact has the following three objectives: (i) to

protect vulnerable people and improve the health of the oceans; (ii) to protect, recover and sustain the oceans' environment and natural resources and to restore their full food production and livelihood services; and (iii) to strengthen knowledge and the management of the oceans. Let me make a few comments on the Secretary-General's initiative.

The Food and Agriculture Organization (FAO) has repeatedly called the world's attention to the crisis in the world's fisheries. The crisis has been caused by over-fishing; by illegal, unreported and unregulated fishing; by the ineffectiveness of the regional fishery management organisations and by the use of destructive and unsustainable methods of fishing. Subsidies for the fishing industry should be phased out because they have led to over-capacity. The world can learn from the successful experiences of Iceland and New Zealand in the management of their fisheries. The IMO should consider requiring all commercial fishing vessels to be licensed and to carry transponders. Regional fishery management organisations should be established in all regions of the world and they should be empowered to make their decisions by consensus if possible and by majority votes if necessary. Certain highly destructive methods of fishing should be banned. The FAO's code of conduct for responsible fisheries should be strengthened.

The nexus between climate change and the oceans is not sufficiently understood. The oceans serve as the blue lungs of the planet, absorbing carbon dioxide from the atmosphere and returning oxygen to the atmosphere. The oceans also play a role in regulating the world's climate system. One impact of global warming is that our oceans are getting warmer and more acidic. This will have a devastating impact on the world's coral reefs and on marine biodiversity. The welfare of 150 million people, who live in coastal communities, will be affected if we allow the reefs to degenerate and die.

Another impact of global warming and climate change is the rise of sea levels. The problem is not theoretical but real. Low-lying countries such as Bangladesh and island countries such as the Maldives and those in the South Pacific, have already experienced the loss of land to the rising sea. The members of the Association of Small Island States (AOSIS) have made a compelling case and we should listen more attentively to them. If sea levels continue to rise, millions of people will lose their homes and become ecological refugees. I hope that our colleagues who are engaged in the ongoing climate change negotiations will address this threat expeditiously.

I also support the Secretary-General's call to strengthen knowledge and the management of the oceans. We seem to know less about the oceans

than about outer space. The oceans are our last frontier. The United Nations University, under the able leadership of its new President David Malone, should ignite a new interest in research on the oceans and on oceans law and policies. The UN, under the leadership of Patricia O'Brien and Serguei Tarrsenko, should incentivise the law schools of the world to promote research in and the teaching of the law of the sea.

I shall conclude. Fifty years ago, the old maritime legal order was crumbling. There were many maritime disputes between States. Two European countries even fought a brief war over cod. In response to this situation, the United Nations convened the Third United Nations Conference on the Law of the Sea to negotiate a new legal order. The Conference held its first session in 1973. After nine years of negotiations, the Convention was adopted in 1982. Many learned men and women, of good will, from over 150 countries, participated in that historic endeavour. Many have passed away. However, their legacy of a new maritime legal order, bringing peace, order and equity, will never be forgotten.

Thank you very much.

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